

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AARON JUSTIN FULK,

Plaintiff,

v.

CAMBA et al.,

Defendant.

CASE NO. C24-1977 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Brian A. Tsuchida's Report and Recommendation (R&R), Dkt. 7, recommending the Court deny pro se prisoner plaintiff Aaron Fulk's application to proceed *in forma pauperis*, Dkt. 1, supported by his proposed complaint, Dkt. 1-1, and dismiss the case without prejudice and without leave to amend, as facially without merit and for failure to file an amended complaint as ordered. Dkts. 6 and 7.

A district court "shall make a de novo determination of those portions of the report or specified proposed finding or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(3). It must modify or set aside any portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The

1 district judge may accept, reject, or modify the recommended disposition; receive further
2 evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P.
3 72(b)(3).

4 The Court must “review the Magistrate Judge’s findings and recommendations de
5 novo *if objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d
6 1114, 1121 (9th Cir. 2003) (citing § 636(b)(1)(C)). A proper objection requires “specific
7 written objections to the proposed findings and recommendations.” Fed. R. Civ. P.
8 72(b)(2).

9 Fulk has not objected to the R&R, and its recommended disposition of his pending
10 *in forma pauperis* application and claim is neither clearly erroneous nor contrary to law.
11 The R&R is therefore **ADOPTED**. Fulk’s *in forma pauperis* application is **DENIED**, and
12 this matter is **DISMISSED** without prejudice and without leave to amend.

13 The Clerk shall enter a **JUDGMENT** and close the case.

14 **IT IS SO ORDERED.**

15 Dated this 3rd day of February, 2025.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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